

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEVOI EASTERWOOD,
Plaintiff,

v.

CHARNEA WALKER, D. FAVELA, C.
ONTIVEROS,
Defendants.

Case No. 2:21-cv-01686-GMN-EJY

ORDER

On September 13, 2021, Plaintiff, an inmate at Clark County Detention Center, filed an application to proceed *in forma pauperis* together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff has not submitted this Court's form application to proceed *in forma pauperis* and the necessary financial attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the individual's two signatures on page 3);
- (2) a **Financial Certificate** properly signed by both Plaintiff and a facility official (i.e. page 4 of this Court's approved form); and,
- (3) a copy of **Plaintiff's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court grants Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents or, in the alternative, pay the \$402 filing fee for this action on or before **November 15, 2021**. Absent unusual circumstances, the Court will **not** grant any further extensions of time. If Plaintiff is unable to file a fully complete

1 application to proceed in forma pauperis with all three required documents or pay the \$402 filing fee
 2 on or before **November 15, 2021**, the Court will recommend dismissal of this case **without**
 3 **prejudice** allowing Plaintiff to file a new case with the Court when Plaintiff is able to acquire all
 4 three of the documents needed to file a complete *in forma pauperis* application or pay the \$402 filing
 5 fee.

6 A dismissal **without prejudice** means Plaintiff does not give up the right to refile the case
 7 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 8 with the application to proceed *in forma pauperis*.

9 The Court will retain Plaintiff's Civil Rights Complaint (ECF No. 1-1), but the Court will
 10 not file the Complaint unless and until Plaintiff timely files a fully complete application to proceed
 11 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

12 ORDER

13 Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma*
 14 *pauperis* (ECF No. 1) is DENIED without prejudice. Plaintiff may file a new and fully complete
 15 application to proceed *in forma pauperis* that includes all three documents by **November 15, 2021**.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
 17 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 18 information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that that on or before **November 15, 2021**, Plaintiff shall either
 20 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
 23 approved form (i.e. pages 1 through 3 with the individual's two signatures on page 3);

24 (2) a **Financial Certificate** properly signed by both Plaintiff and a facility official (i.e. page
 25 4 of this Court's approved form); and,

26 (3) a copy of **Plaintiff's prison or jail trust fund account statement for the previous six-**
 27 **month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must
 28 still submit an inmate account statement for the dates he has been present at the facility.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a complete application to proceed
2 *in forma pauperis* with all three documents or pay the \$402 filing fee for a civil action on or before
3 **November 15, 2021**, the Court will recommend dismissal of this action **without prejudice** for
4 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
5 documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402
6 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's Complaint
8 (ECF No.1-1) but will not file it at this time.

9 Dated this 15th day of September, 2021.

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12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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